IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 31491 of 1998

Between:

S.V.Naga Sailaja, W/o Lakshmi Narasimham, Hindu,
R/o H.No.18-1-497, Bhavani Nagar, Tirupathi, Chittoor Dist.

..... PETITIONER

AND

1 T.T.Devasthanams, Tirupathi Rep by its Executive Officer.

2 D.Venugopal, S/o D.Anjaneyulu,
C/o Somayajulu, P.No.128, Sainathapuram,

Mr.A.S.Rao Nagar,
E.C.I.L.Post, Hyderabad – 500 062.

3 Venkata Charyulu, S/o Vijayaraghava Iyyengar,
H/o J.V.Subba Rao, D.No. 31-11-14, Hindi College Street,
Macharam, Viajayawada-520004.
4 Seshacharyulu, S/o K.S.N.Acharyulu,
C/o M.Appalacharyulu, Near Big Well,

Ashok nagar, Eluru, West Godavari District –534 002.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ or direction or order more particularly in the nature of writ of certiorari while calling for the records relating to the appointment proceedings of the 1st respondent in filling up the posts of Sanskrit Grade-II Pandits in TTD Veda Patasala and examine the legality, propriety and its correctness and quash the proceedings of the 1st respondent in appointing the 2nd to 4th respondent as illegal, void, arbitrary and violative of Arts.14, 15(3), 21 of Constitution of India and APSS Rules as

amended by G.O.Ms.No.237, dt.28-5-96 and consequently thereupon appoint the writ petitioner as one amongst the three Sanskrit Grade-II Pandits in the 1st respondent's Veda patasalas.

Counsel for the Petitioner : Mr.K.S.GOPALA KRISHNAN

Counsel for the Respondent No.1 : Mr. A. RAMALINGESWARA RAO

Counsel for the Respondent No.2: Mr. G.R.L.N. MURTHY

Counsel for the Respondent No.3 : NONE APPEARED

Counsel for the Respondent No.4 : Mr. P.RAJASEKHAR

The Court made the following :

ORDER:

This writ petition is filed seeking a writ of Certiorari to call for the records relating to proceedings of the first respondent in filling up of the posts of Sanskrit Grade II Pandits in TTD Veda Patasalas and quash the same as arbitrary and violative of Articles 14, 15(3), and 21 of the Constitution of India and APSS Rules as amended by G.O.Ms.No. 237 dated 28-05-1996 and pass consequential order directing the respondents to appoint the petitioner as one amongst the three Sanskrit Grade-II Pandits in the 1st respondent's Veda Patasalas.

It is the case of the petitioner that she being a qualified person, appeared for the interview conducted by the selection committee of the first respondent on 15-10-1998 and 16-10-1998 for the post of Sanskrit Grade – II Pandits in T.T.Devasthanam Veda Patasalas. Along with the petitioner, another lady candidate also appeared for the interview. It is learnt by the writ petitioner that she is the topper among the lady candidates, who appeared for the interview. To her utter surprise and shock, the petitioner received communication from the first respondent showing that she was not selected for the post of Sanskrit Grade II Pandits in T.T. Devasthanam Veda Patasalas. On the other hand, only three male candidates i.e., respondents 2 to 4 herein were alone selected and no female candidate got selected for such post. Though as per Article 15(3) of the Constitution of India, reservation ought to have been made for the female candidates to an extent of 30% so as to improve the women participation in all the activities under the supervision and control of the

state, the first respondent failed to observe the said principle and selected only male candidates. Further, the provisions of A.P. State and Subordinate Rules including the amended provisions are applicable to the 1st Respondent Institution, and the 1st respondent ought to have observed the carry forward principle in reserving 33 1/3% in filling up the posts with female candidates and the petitioner is denied employment arbitrarily. Hence this writ petition.

The first respondent filed his detailed counter affidavit, and respondent No.4 also filed detailed counter denying the allegations made by the petitioner. It is the contention of the first respondent that Veda Patasalas are governed by different rules and regulations and it is not governed by the general rules and that the T.T.Devasthanams Service Rules are not applied to the Kendra and Veda Patasalas, except in so far as they are made specifically applicable. Once the rule of reservations as contemplated under Rule 22A(2) of A.P.S.S. Rules as amended by G.O.Ms.No.237, dated 28-05-1996 are not applicable, the question of making any reservation in favour of the woman in the respondent institution does not arise. It is not the case of the petitioner that her case was not considered along with the male candidates. On the other hand, it is the assertion of the petitioner that among the lady candidates appeared, she is the meritorious and it is not her case that the other male members, who appeared along with her were less meritorious than her. Once the rule of reservation is not applicable, everybody will be treated equally, and thus, meritorious would be appointed. Here, it is not the case of the petitioner that she was more meritorious than the other three male members who were appointed as Sanskrit Grade II teachers in the respondent Veda Patasala. Once this is the factual position, the petitioner has no cause whatsoever and the claim of the petitioner is imaginary and speculative and the writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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22-06-2005

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To

1 The Executive Officer,

T.T.Devasthanams,

Tirupathi.

2 Two CD copies